

UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF CALIFORNIA

DANIEL CHRISTOPHER YOUNG,

No. 2:22-cv-01712-DAD-JDP (PS)

Plaintiff,

v.

STEVEN RICHARD BURLINGHAM, et
al.,

ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS AND DISMISSING
THIS ACTION DUE TO LACK OF SUBJECT
MATTER JURISDICITON

Defendants.

(Doc. Nos. 7, 13)

Plaintiff Daniel Christopher Young, proceeding *pro se*, initiated this civil action on September 28, 2022. (Doc. No. 1.) This matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

On August 1, 2023, the assigned magistrate judge issued findings and recommendations recommending that this action be dismissed, without leave to amend, for lack of subject matter jurisdiction and failure to state a claim. (Doc. No. 13.) The magistrate judge concluded that granting further leave to amend would be futile because plaintiff had “attempted to litigate the issues in the case numerous times without success,” pointing to four other lawsuits filed in this district by plaintiff, including two that were dismissed for lack of jurisdiction. (*Id.* at 6.) Those pending findings and recommendations were served on plaintiff and contained notice that any

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1 objections thereto were to be filed within fourteen (14) days after service.¹ (*Id.* at 6–7.) To date,
2 no objections to the pending findings and recommendations have been filed, and the time in
3 which to do so has now passed.

4 In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C), this court has conducted a
5 *de novo* review of the case. Having carefully reviewed the entire file, the court concludes that the
6 findings and recommendations are supported by the record and by proper analysis.

7 Accordingly,

- 8 1. The findings and recommendations issued on August 1, 2023 (Doc. No. 13) are
9 adopted in full;
10 2. Defendant's motion to dismiss (Doc. No. 7) is granted;
11 3. This action is dismissed; and
12 4. The Clerk of the Court is directed to close this case.

13 IT IS SO ORDERED.

14 Dated: August 22, 2023


15 UNITED STATES DISTRICT JUDGE

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24 ¹ The service copy of the findings and recommendations was returned to the court marked as
25 "Undeliverable, Return to Sender, Attempted Not Known." In addition, minute orders issued by
26 the court on November 30, 2022 and January 9, 2023 were also returned to the court as
27 "Undeliverable, attempted – not known" and "Undeliverable, RTS, Attempted, Unable to
28 Forward," respectively. Thus, plaintiff was required to file a notice of his change of address with
the court no later than February 1, 2023 pursuant to Local Rule 183. Although plaintiff filed an
opposition to defendant's pending motion to dismiss on December 28, 2022, plaintiff has not filed
a notice of his change of address or otherwise communicated with the court since then.